





Él Salvador: Performance on Certification Issues

... Special National Intelligence Estimate

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EL SALVADOR: PERFORMANCE ON CERTIFICATION ISSUES

Information available us of 13 January 1983 was used to the preparation of this Estimate.



THIS ESTIMATE IS ISSUED BY THE DIRECTOR OF CENTRAL INTELLIGENCE.

THE NATIONAL FOREIGN INTELLIGENCE BOARD CONCURS.

The following intelligence organizations participated in the preparation of the Estimate:

The Central Intelligence Agency; the Defense Intelligence Agency, the National Security
Agency; and the Intelligence organization of the Department of State

Also Participating:

The Assistant Chief of Staff for Intelligence, Department of the Army

The Director of Naval Intelligence, Department of the Navy

The Assistant Chief of Staff, Intelligence, Department of the Air Force

The Director of Intelligence, Headquarters, Morine Corps



KEY JUDGMENTS

During the past six months we have seen signs of modest progress in some areas, and no signs of backsliding on the part of the government or the military in their commitment to improve the human rights situation and reinforce democratic institutions in El Salvador. Nevertheless, positive efforts by the government in all areas continue to be bindered by deep-seated problems.

The government has made limited progress on human rights issues in the past six months, although in at least one area—the rate of civihan deaths—the improvement has been substantial. Other positive trends, such as good treatment of political prisoners, remain overshadowed by a virtually nonfunctional criminal justice system that has proved unable to indict and prosecute the accused.

Although some progress has been made in curbing abuses by the armed forces. El Salvador continues to have serious problems in this respect. Major problem areas remain the lack of fire control in populated combat zones and arbitrary violence committed by unsupervised security forces. Nevertheless, the military has increased effects to educate and discipline subordinate officers and troops, and intelligence support has resulted in more selective targeting. In addition, replacement of a few commanders has been followed by a subsequent improvement in the human rights records of their units. Moreover, before launching operations some field commanders reportedly have received specific instructions to respect the rights of the local civilian population and to take guerrilla prisoners. They increasingly have adhered to these orders in operations of the past six months.

The government has demonstrated advances in political and economic programs, particularly in Phase III of the agrarian reforms, and the parties have shown a willingness to cooperate on major issues. A unity pact signed by the major parties has led to establishment of political and human rights commissions and a new Central Elections Council. A new constitution is scheduled to be completed this spring, and presidential elections are scheduled for March 1984.

The government continues its interparty discussions on reconciliation. On the issue of negotiations, the positions of all government and





military elements have coalesced against guerrilla terms for dialogue, but they will discuss a role for the guerrillas in the ongoing political process. San Salvador has renewed offers to the left to compete in elections and is drafting an amnesty law to help convince leftists to end the fighting. The government leaves the door open for possible informal talks to that end

The killers of the US churchwomen have been identified, indicted, and have been remanded for trial in civilian criminal courts. There is no evidence of higher level complicity in these murders. Two members of the National Guard have confessed to killing two US representatives from the American Institute for Free Labor Development (AIFLD) and the president of the Salvadoran land reform institute. They have been ordered to stand trial. However, the three accused authors of these crimes—two military officers and a businessman—remain free





DISCUSSION

1. The Intelligence Community has attempted during the polisis months to broaden its coverage of El Salvador y Horts to meet qualifications for continued aid set forth by the US Congress.



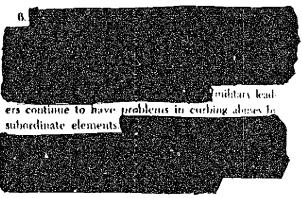
Human Rights

- US Congress criterion for judging Salvadoran Government's performance: "Making a concerted and significant effort to comply with internationally recognized human rights."
- 2 Overall, the Salvadoran Government has made limited progress on human rights issues in the past six months relative to the period covered in the last report, although in at least one area—the rate of civilian deaths—the improvement has been substantial. Given the virtually nonfunctional criminal justice system in El Salvador, the standard for measuring progress in this regard is clustve.
- 3 The government's record on treatment of prisoners, however, is good. Those abuses that do occur, usually hoppen during the process of arrest and not during detention. For example, the government claims to have under detention approximately 800 political prisoners. We know that some 700 are housed at the relatively modern Muriona Prison outside the capital. These prisoners range in status from captured guerrillas to leftist intellectuals suspected of subversions.
- they are well fed and receive excellent treatment, including access to schooling, use of an industrial shop, and rights to conjugal visits in private dorinitaries
- 4 The government is attempting to expedite trial proceedings for political prisoners and is drafting a new annesty law that will further help in reducing the

- number of detainees. The establishment of an anaests commission also is being considered to oversee the broader issue of assimilating guerrilla defectors into the political and economic mainstream as one alase of a democratic solution to the insurgent our A seven member human rights commission was appointed in early December, charged with formulating an institutional mechanism that will promote and protect human rights.
- 5. The insurgent war has intensified since July, and the rate of combat deaths on both sides has increased. The rate of civilian political deaths, however, has continued to decline markedly. The mouthly average of political deaths in 1981 was about 510, but for 1982 it dropped to 217—a decrease of 57 percent Since July the death rate has dropped more than 40 percent from that of the first six months of 1982.

Control of the Armed Forces

"Is achieving substantial control over all elements of its own armed forces."



- 7. For example, the general staff remains largely ineffective in promoting fire control among combat units, although some improvements have been made over the last six months.

 Spoor planning and carelessness on the part of some Salvadoran commanders during
- Political deaths are those that take place matide a zone of cocular and which clearly suggest a political motive, for example civilians murdered because of suspected complicity with the mon gents. Civilians killed as a reach of being cought in a crossine or other military-related activities are classified as combat death.





bombarducuts and large-scale sweeps against guerrilla stepatholds sometimes result in civilian less of life and destruction of property. In some instances, moreover the distinction between combatant and noncombatant and become blarred

poerrila easualites often include marined insurgent support personnel, camp followers, and innocent civilians trapped in the battle zone.

- 8 The tennous and often nonexistent control of senior officers over elements of the paramulitary security forces and civilian irregulars is a continuing cause for concern Reporting on human rights violations by military personnel largely reflects the excesses of these small rural-based constabulary forces. In isolated areas especially, where lawlessness is a way of life, semiliterate personnel led by a couporal or a sergeant all too often assume the roles of proscentor, judge, and executioner
- If Senior military leaders, however, are continuing their efforts to overcome human rights anges. Over the last six months, members of the high command have sterned up visits to posts in the interior emphasizing to subordinate officers the necessity of disciplining troops guilty of almses. The high command appears increasingly concerned that combat officers set a good enumble for their troops. The replacement of a few commanders has been followed by a subsequent inconvenient in the human rights record of their units.
- 10. Defense Minister Garcín continues to take a leading role in curbing military abuses. In October 1982 he ordered a conference in San Salvador of nearly MO local commanders—essentially all enlisted personnel—and reaffirmed the high command's commitment to human rights and the penalties for committing abuses.
- 11. Nevertheless, Garcia's efforts to discipline and educate the military have shown some positive, although undramatle, results. Before launching an operation, some field communders reportedly have received specific instructions to respect the rights of the local civilian population and to take guerrilla prisoners. They increasingly have adhered to these orders in operations of the past six months. They continue to take prisoners and interrogate them in a more professional manner.

Progress on Reform

"Is making continued progress in implementing essential economic and political retorms including land reform."

All available into mution indicates that the government has nonle progress in some areas of political and economic retainbut has accomplished little in others.

13. The function of government remains hampered by continuing tensions between the major parties increasing assertiveness by President Magana, beautier, has forestalled the kind of deadlocks that prevaded in the first months of his administration. Thus, despite periodic flareages within and among the deverse point cal groupings, moderates and hardliners have been able to fend off crises through companies.

- 14. The ability of the parties to cooper de on some key issues was underscored by the signing in Argust of the "Pact of Apaneca"—a unity document in which the major parties pledged to cooperate on political, social, and economic reforms. As stipulated by the agreement, human rights and political commissions since have been formed and are functioning with the latter setting a formal timetable for drafting and ratifying a new constitution by early 1983, and whedling presidential elections for March 1984. The furnation of a peace commission, however, remains mired in partisan controversy over its composition and mission, it reportedly will be formed by February, but Magana now envisions it as nearly a subcommittee of the political commission.
- 15. Problems with forming the peace commission have been caused largely by intransigence on the part of the extreme right, led by Assembly President D'Aubuisson. His tactics, however, have brought maderates closer together in an effort to limit his influence while the coadition government remains vulnerable to partisan in-lighting, the overall trend points to increasing progress in poher formulation and implementation.
- 16. The military remains the key to stability in San Salvador and continues to support the Magana admin-





istration. Magana's efforts to effect some degree of compromise have enabled the high command to reduce its involvement in civilian political faithes over the last six months. Despite the recent dispute within the mile or the last six months. Despite the recent dispute within the mile or the last six months. The armed forces will remain the processor Ministry take place in the next few months—as now appears probable the officer corps will again select a pragmatist to assume the portfolio.

17 While escalating insurgent attacks have put new strains on the economy, they have not deterred the armed forces from keeping the agrarian reform process on track. On balance, the relationship between the peasant organizations and the military has improved, and the land reform process in recent months has not met with the kinds of setbacks and controversy that occurred following the March election, when former landowners illegally evicted several thousand peasant beneficiaries.

18 Progress in Phase III (hand to the tiller) has been porticularly apparent since an Army colonel was appointed to head its administration and a top peasant leader was named to the presidential commutee overseeing legislative action on land reform

Salvador, 1,380 applications for land titles were submitted in August and September, more than three times the figure (454) for the previous two months

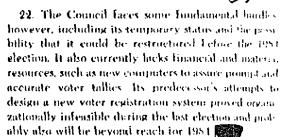
19. Such increases also are attributable to a government publicity campaign to inform eligible recipients of benefits and procedures. As of 1 October, applications for new titles since the beginning of the reform program totaled 38,615 Since October, the government reportedly has set the goal of an additional 22,000 new applications by the end of March 1983. nore than 11,000 new applications had been received by year's end, indicating that government effects are on track. Meanwhile, as of 1 October, 32,952 provisional titles had been distributed. The government hopes to increase this figure by an additional 14,000 by the end of March 1983; but by year's end the total had increased by only 1,722, suggesting that the government is well behind in reaching that goal. In addition, 157 permanent land titles were granted under Phase III during the past six months, bringing the total number of permanent titles granted to more than 400/

Elections and Negotiations

"Is committed to holding free elections at an early date and, to that end, has demonstrated good-faith efforts to begin discussions with air major political factions in El Salvador."

20 The government and military appear commuted to holding presidential elections on schedule in March 1984. During a special plenary session in November, the constituent assembly appointed a real Central Elections Conneil to oversee the electronic process. The five political parties represented in the assembly each have one member and one alternate serving on the Council. The president of that hold elected by his colleagues—represents the moderate Democratic Action party, which currently holds no posts in the provisional government.

- 21. The Council is charged primarily with
- Drafting a new electoral law
- Preparing a new voter registry
- Authorizing political party activates
- Promoting the election process
- Regulating its own internal functions



23. National interest in the 1984 election, mean while, is already evident in the attempts of new party to organize. To the disadvantage of D'Auboisson a conservative splinter party has emerged with considerable private funding sud has successfully registered with well over the required 3,000 signatures. Two fledgling center-right groups and one left-of center party also plan to participate in 1954.

24. She government and the military are svilling to make some attempts at reconciliation with the left before the presidential election. The Magaza administration repeatedly has stated its policy of allowing leftist parties to register, campaign, and field



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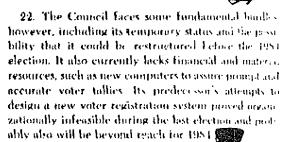
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candidates for office. Nevertheless, government and unlitary leaders of all stripes reject any proposals for negotiations aimed at achieving a power-sharing arrangement outside the ongoing political process

she five parties in the assemble rave debated the issue and appear to agree on three major points.

- Dialogue and/or negotiations at the initiative of the left are unacceptable.
- The left must compete for power in democratic elections.
- Any talks promoted by the government should have as their only objective the participation of the left in elections or its surrender.

25. The left's negotiation efforts have been largely propagandistic.

The left seeks to regain lost support—domestically and internationalls—by portraying itself as the more legitimate governing alternative to the civif-military power structure in San Salvador. The Marxist-Leadulst majority of the assurgant alliance views negotiations as a means of undermining the unity of the government and the military, while also buying time for the guerrillas to strengthen their political and military organizations. Even the concept of power sharing—totally unacceptable to guerrilla hardliners—is perceived by the less documairs as a temporary phase before final victory.

26. Nevertheless some leftist elements—such as Guillermo Ungo and his small cotorie of moderate socialists—are succeedy interested in toining the electoral process and may be considering the possibilities for arranging a separate peace with San Salvador.

The fundamental goals of the government and the Marxist-Leninist insurgent leadership appear trreconcilable. It elections take place, therefore, they are likely to be held once again in an atmosphere of violence.

Murders of US Citizens

"Good-futtle efforts to investigate murders of six [US citizens] and bring to justice those responsible for those murders."

28.

29. The five National Guard members accosed as the slayings of four US churchwomen have yet to go to trial. Court-appointed defense attorneys routinely have appealed the presiding indge's order to beguntrial proceedings on the basis of the available evidence. The appeal process is likely to be completed by the end of January and will determine whether the trial begins promptly or must be postponed pending terther investigation.

The witnes has implied that the junior sergeant accused of plan-

ning and directing the killings might have not suggested they were under "higher orders," presumable to elicit the cooperation of his peers



32. Two members of the National Guard base confessed to killing two US representatives from the American Institute for Free Labor Development (AIFLD) and the president of the Salvadoran land reform institute. They have been ordered to stand trial. The three accused authors of the crime—military officers Lt. Lopez Sibitian and Captain Avila and businessman Hans Christ—remain free

33. The whereabouts of Captain Axila and Hans Christ are unknown. Christ fled in 1981 to Minuti, where he was detained by US authorities pending extradition to El Salvador on criminal charges. Charges were dropped by the Salvadoran Government for lack of evidence and with them the request for extradition. Christ may have left the United States for





Europe or South America. Captain Avila, meanwhile, fled the country in September following his polygraph by FBI officials in San Salvador. A civilian justice official indicates that Captain Avila's uncle is one of the most rewerful members of the Supreme Court and has worker to block formal indictment proceedings against his nephew

34 The cuse of Lt. Lopez Sibrian, who is currently on active duty, has underscored the continuing weaknesses of the judicial process. He was twice ordered released from military, detention by two civilian judges, even though the evidence against him was formidable.

One release for back of sufficient

bis release for lack of sufficient evidence was a "travesty" of justice, and a senior military officer has alleged that the civilian judges were intimidated and bribed by rightwing elements.

35 Senior government and military officials are pressing the Salvadoran judiciary to reschal the release order and renew trial proceedings. The high command has dealed Lapez Sibrian permission to leave the

country, and the government has appealed the release by lower court Judges and expects a decision soon of the appeal fails the government with attempt to employ Decree 507 (state-of-slege law) and detain him under the terrorism clause for his role in a political crime assaust a public official. Success in this effort will depend on the Judgment of the Supreme Court, which corrently is against employing the state-of-siege law.

